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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/702,575	11/07/2003	Hiroshi Inoue	031268	8722

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EXAMINER	
DUNWOODY, AARON M	

ART UNIT	PAPER NUMBER
3679	

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/702,575	INOUE ET AL.	
	Examiner	Art Unit	
	Aaron M Dunwoody	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-12 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-12 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 11/7/2003.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statement (IDS) filed 11/7/2003 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and have idiomatic errors.

Claim 6 recites the limitation "each of hitching blades" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 7 and 8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by US patent 2956823, Benjamin et al.

In regards to claim 1, as best understood, in Figure 4, Benjamin et al disclose a joint construction for cable piping provided with an inner cylinder having an inner cylinder main body of thin-wall pipe and an outer cylinder fitted to the inner cylinder as to freely slide and having an outer cylinder main body of thin-wall pipe to connect a first pipe for length a cable and a second pipe for cable as to expand and contract comprising a construction in which: holding ring of a first seal member tightly fit to a peripheral face of an end portion of the first pipe, a first stop ring of plate hitching to the peripheral face of the first pipe, and an opening end forming member are unitedly attached to an end of the inner cylinder by plastic working on the inner cylinder main body; a holding groove of a second seal member tightly to a peripheral face of an end portion of the second pipe formed to be curved by plastic working on another end of the inner cylinder main body; and a second stop ring hitching to a peripheral face of the second pipe and an opening end forming member are unitedly attached to an outer end of the outer cylinder by plastic working on an outer end of the outer cylinder main body.

In regards to claim 2, as best understood, in Figure 4, Benjamin et al disclose a joint construction for cable piping provided with an inner cylinder having an inner cylinder main body of thin-wall pipe and an outer cylinder fitted to the inner cylinder as to freely slide and having an outer cylinder main body of thin-wall pipe to connect a first pipe for cable and a second pipe for cable as to expand and contract in length, comprising a construction in which: an outer brim portion, at right angles with an axis, formed on a holding ring tightly peripheral face of an end portion the first pipe, an outer brim portion, at right angles with an axis, formed on a first stop ring of plate hitching on the peripheral face of the first pipe, and an outer brim portion, at right angles with an axis, formed on an opening end forming member are unitedly fitted to a peripheral groove portion, of which cross section is U-shaped opening inward, formed on an end of the inner cylinder main body by plastic working; the holding ring, the first stop ring, and the opening end forming member are unitedly attached to an end of the inner cylinder; a holding groove of a second seal member tightly fit to a peripheral face of an end portion of the second pipe formed to be curved and opening inward by plastic working on another end of the inner cylinder main body; an outer brim portion, at right angles with the axis, formed on a second stop ring of plate hitching on a peripheral face of the second pipe, and an outer brim portion, right angles with the axis, formed on an opening end forming member are unitedly fitted to a peripheral groove portion, of which cross section is U-shaped opening inward, formed on an outer end of the outer cylinder main body by plastic working; the second stop ring and the opening end forming member are unitedly attached to an outer end of the outer cylinder; and a holding portion to hold the

first seal member is formed an inward-opening concave groove composed of an inner brim portion formed on the holding ring, a holding staged portion formed on the inner cylinder main body, and a part of an inner peripheral face of the inner cylinder main body.

In regards to claim 7, as best understood, in Figure 4, Benjamin et al disclose a joint construction for cable piping provided with an inner cylinder having an inner cylinder main body of thin-wall pipe, a first outer cylinder fitted to the inner cylinder as to freely slide and having a first outer cylinder main body, and second outer cylinder fitted to the inner cylinder as to freely slide and having a second outer cylinder main body of thin-wall pipe to connect a first pipe for cable and a second pipe for cable as to expand and contract in length comprising a construction which: a holding groove of a first seal member tightly fit to a peripheral face of an end portion the first pipe formed as be curved on an end of the inner cylinder by plastic working on an end side of the inner cylinder main body; holding groove of a second seal member tightly to a peripheral face of an end portion of the second pipe is formed as to be curved on another end of the inner cylinder by plastic working on another end side of the inner cylinder main body; a first stop ring hitching to the peripheral face of the first pipe and an opening end forming member are unitedly attached to an outer end of the first outer cylinder by plastic working on an outer end of the first outer cylinder main body; and a second stop ring hitching to the peripheral face of the second pipe and an opening end forming member are unitedly attached to an outer end of the second outer cylinder by plastic working on an outer end of the second outer cylinder main body.

In regards to claim 8, as best understood, in Figure 4, Benjamin et al disclose a joint construction for cable piping provided with an inner cylinder having an inner cylinder main body of thin-wall pipe, a first outer cylinder fitted to the inner cylinder as to freely slide and having a first outer cylinder main body, and a second outer cylinder fitted to the inner cylinder as to freely slide and having a second outer cylinder main body of thin-wall pipe to connect a first pipe for cable and a second pipe for cable as to expand and contract in length comprising a construction in which: a holding groove of a first seal member tightly fit to a peripheral face of an end portion of the first pipe is formed as to be curved and opening to an inside diameter direction by plastic working on an end side of the inner cylinder main body; a holding groove of a second seal member tightly to a peripheral face of an end portion of the second pipe is formed as to be curved and opening to the inside diameter direction by plastic working on another end side of the inner cylinder main body; an outer brim portion at right angles with an axis formed on a first stop ring hitching to the peripheral face of the first pipe and an outer brim portion at right angles with the axis formed on an opening end forming member are unitedly fitted by plastic working to a peripheral groove portion, of which cross section is U-shaped opening to the inside diameter direction, formed on an outer end side of the first outer cylinder main body; the first stop ring and the opening end forming member are unitedly attached to an outer end of the first outer cylinder; an outer brim portion at right angles with the axis formed on a second stop ring hitching to the peripheral face of the second pipe and an outer brim portion at right angles with the axis formed on an opening end forming member are unitedly fitted by plastic working to

a peripheral groove portion, of which cross section is U-shaped opening to the inside diameter direction, formed on an outer end side the second outer cylinder main body; and the second stop ring and the opening end forming member are unitedly attached to an outer end of the second outer cylinder.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure because it illustrates the inventive concept of the invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Dunwoody whose telephone number is 571-272-7080. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aaron M Dunwoody
Primary Examiner
Art Unit 3679

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